

Mesquite Boulevard Corridor Plan

Frequently Asked Questions (FAQ)

November 20, 2009

1. The City completed a Vision Plan for the Mesquite Boulevard Corridor and Downtown. What will become of this Plan?

The City engaged the RBF Planning & Design consultants to create a new “vision plan” for this area, which led to the Mesquite Boulevard Corridor and Downtown Vision Posters. It is proposed that these be accepted by the City Council as being representative of the desired direction and future policy for downtown. Business, property owners, and residents participated to create the concept of a pedestrian-friendly retail district with a heightened identity. The Vision Plan calls for the creation of a sustainable pedestrian-oriented central core area where people can live, shop, work, recreate, and learn.

2. Why was the Design-Based Code drafted?

The Vision Plan calls for a pattern of development which is not currently supported by the current zoning standards. The Draft Code will help implement the downtown vision by enhancing development potential and removing design barriers. The Code was prepared to assist the City, property owners, and future developers with understanding and implementing the Vision Plan’s recommendations. This Code will shape the physical form of future development through fixed design standards, rather than the ‘minimum required’ standards of the current zoning.

Also, standards for the downtown Central Business District are currently contained in two different documents. Zoning regulations for the CR-3 (CBD) Zone are contained in the City's Unified Development Code Title 9. And Design Standards are contained in Municipal Code Title 1. The Draft Design-Based Code consolidates these zoning and design standards into one document, and augments them with additional changes that are necessary to bring about the desired Vision Plan.

3. What is a Design-Based Code, and why is it necessary?

It is a community development tool that includes text descriptions, graphics, and photographic examples to clarify acceptable development and built improvements. This type of code describes the physical 'form' of a development and how it relates to its surroundings. Its particular emphasis is on a building's relationship to the street and public open space around them – the public realm. Bringing the buildings close to the street helps to frame and enclose these spaces. Streets are enhanced when buildings establish a strong sense of spatial enclosure. Overall, the design provides better utilization of land to create a downtown experience.

This building pattern makes the street a comfortable space for pedestrians. They can window shop, meet people on the street, sit down at a sidewalk café, sit in a public open space, read a paper, and watch people. **The answer to revitalizing downtown is not to try to make it over in the image of its suburban counterpart (the shopping mall), but rather to make it more lively and walkable.** This will be markedly different from other commercial districts in town. And businesses who want to be on a separate pad in a suburban setting, surrounded by parking, will seek out those other districts. If done right, the downtown will be a place where people want to be because it offers a unique, vibrant experience, which ultimately is good for business.

Overall, a Design-Based Code clearly describes what can be done with a property by qualitative means (pictures, other graphics), rather than specifying what is not allowed by lists of uses and minimum development standards.

4. What are the advantages of using a Design-Based Code?

- The appearance (look) of a development is just as important as its use (office/retail, etc.)
- Developments which follow the Design Based Code are anticipated to be more predictable and compatible with each other than what occurs with conventional zoning.
- The Code will result in less uncertainty for investors that may be concerned about “what will eventually happen on the properties adjacent to their land.” They will see that the downtown concept is tangible, achievable and implementable.
- The code reflects the desires of the community through visioning and public input.
- It will allow flexibility for land owners to develop a variety of uses on their land in exchange for following form and placement requirements. It optimizes the use of their land.
- Adhering to the code will expedite development approvals and implementation.
- Without having to provide normal front and side setbacks, as well as 15% open space on site, the proposed DBC allows for fuller utilization of the site. You can put more on the lot, and not waste costly space. This does not cost more, it represents a cost savings. Your expenses are a product of how much you choose to build, as opposed to, where the proposed code has you build it.
- As a result of standards for new street sections, angled parking can be placed on the street in front of businesses. Utilizing the public

right-of-way for shared parking means an owner doesn't have the expense of providing that on-site.

- The DBC proposes more permissive sign standards for downtown. Current standards prohibit back lit signs, the use of neon, and awning signs. Back lit signs would be permitted under the Draft DBC, as would the use of neon, and awning signs.

5. Will the City be acquiring property for redevelopment?

Not at this time. The City is not currently pursuing acquisition of property in the area except as opportunities arise to provide a) needed parking, or b) public open space consistent with the Vision Plan.

6. If adopted, will the new Design-Based Code standards expand to other areas of the City besides Downtown Mesquite?

Not at this time. This is a code designed for a Downtown (Town Center). Only the areas shown on the Downtown Mesquite Boundary Map (Fig. 1-1 of the Code) are contemplated for inclusion in the CR-3 zone. Staff has not received any direction to expand code requirements to other parts of the city.

7. How will this new code affect businesses already located in the area?

The vision and purpose behind the proposed DBC is to create or implement a downtown. However, if you own a business in the CR-3 zone, and your building does not currently conform to the proposed DBC, the building may continue that way indefinitely. If adopted, new development would comply with the DBC.

Depending on how the proposed DBC is adopted, businesses and buildings that exist prior to the adoption of any zoning law would likely be

‘grandfathered-in’ and allowed to continue to operate as legal, nonconforming buildings. The new code will only impact new or expanding businesses that require physical site changes or extensive building, improvements.

8. **Is there any regulatory ‘relief’ from the strict compliance with a specific development standard?**

Exceptions from specific standards that are not related to unique site circumstances (as is the case with variances) may be granted by the Planning & Redevelopment Director at his/her sole discretion if the following findings can be made:

“The exception would not modify the standard in question by as much as 10 percent. For example, if the base standard for maximum building height is 70 feet, the exception for maximum building height would not exceed 76.5 feet. The reason for the exception must relate to the physical characteristics and constraints of the site.

The proposed design, with the granted exception, would meet the overall purpose and intent of this Design-Based Code.”

Variances from the code may be permitted when practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of this Design-Based Code result through the strict and literal interpretation and enforcement of a standard. The process for obtaining a variance from the code shall be regulated by Section 9-5-5 (Variances) of the Unified Development Ordinance.

9. **Will the Design-Based Code impose higher costs on new or existing businesses?**

We do not believe so, but some things are difficult to quantify and compare.

First, much of what sets the Design-Based Code apart from Traditional Zoning is its shaping of the public realm ---the streets, courtyards, and plazas adjoining the buildings. Bringing the buildings close to the street helps to frame and enclose these spaces. Streets are enhanced when buildings establish a strong sense of spatial enclosure.

It is unlikely this would cost any more. In fact, it may cost less by reducing the length of water and sewer laterals stubbed in from the street.

The same is also true of placing parking to the rear or the side of buildings. The proposed standard has more to do with the relationship of the parking to the structure, and doesn't cost any more.

Floor -to-Ceiling Heights. Most commercial buildings are designed now with 12-foot floor to ceiling heights, with space above for mechanical, duct work etc. You still have 4 walls and a ceiling as fixed costs, whether the ceiling is at 12' or 15'. The 15-foot standard gives design flexibility, and avoids functional obsolescence. Restaurants almost always want 15' ceilings because of the heavy mechanical, air handling, and ventilation requirements. If you're fixed in at 12' you may have already limited your potential market.

Second, without having to provide normal front and side setbacks, as well as 15% open space on site, the proposed DBC allows for fuller utilization of the site. You can put more on the lot, and not waste costly space. This represents a cost savings. Your expenses are a product of how much you choose to build, as opposed to, where the proposed code has you build it.

And third, there are some caveats to comparing costs straight across because existing zoning utilizes 'Design Guidelines' that have to be

somewhat negotiated based on criteria, whereas the proposed DBC utilizes richly illustrated ‘Standards’ that you meet or don’t meet. Standards are more predictable, less discretionary.

And in some cases, the proposed **DBC proposes a new standard for something for which there is no current equivalent in the existing design standards.** This makes comparisons difficult. For example: **DBS require 50% of Storefront Façade in Glass.** There is no current standard. Retailers would probably still provide an extensive glass storefront, there just isn’t a standard for how much of the façade that should be. Retailers want to invite people in, show their wares, and give the ‘window shopper’ something interesting to look at.

Some of the Design-Based Standards are optional. For example: fencing is not required in the proposed code. However, if a property owner chooses to have a fence, the DBC sets forth a variety of acceptable fence types and materials to choose from.

Design Standards are already adopted and in force for the Downtown - both ‘Basic’ Standards and ‘Exceptional’ Standards.

Basic Standards

- Massing, Scale, 360 Degree Architecture
- Building Finishes allowed
- Colors (white, creams, earth tones)
- Roof Finishes (round tile, concrete shakes, corrugated standing seam metal)
- Recessed doors and windows
- Entries (colored concrete, textured finish, tile)
- Covered Walkways (awnings & colonnades)

- Landscaping (drought tolerant, 15%)
- Fencing (wrought iron with vegetative barrier)
- Lighting
- Signage (no back lit or neon)
- Screening of mechanical equipment

Exceptional Standards

More expensive Wall, Window, and Roof Finishes

Water Features

Public Art

Financial Incentives: The Council foresaw the need to support implementation of the design standards so they created a system of financial incentives to promote a well-designed downtown. These financial incentives or grants are available to businesses and property owners now!

The current grant programs have been streamlined to be simpler, easier to receive, and with higher dollar amounts - Façade (\$50,000), Building (\$99,999 \$30,000 fees), Signs (\$15,000 owners, \$10,000 renters). **They also include as eligible expenses development/permit fees, impact fees etc. So an applicant can be reimbursed dollar for dollar on those fees, up to \$30,000.** This makes it less costly to build downtown.

10. **The City just amended its sign ordinance. Will the new sign standards proposed in the Design-Based Code be more restrictive than existing standards?** No. Most of the existing requirements were brought straight across from the existing city code. And the Draft DBC would allow back lit and neon signs that are currently prohibited in the CR-3 Central Business District Zone. .

11. Does parking in the rear of buildings pose any special safety issues?

Both the Police and Fire Departments were invited to review and comment on the proposed Vision Plan and the DBC. We didn't have anything from them in writing previously, so we asked for their written comments.

Chief Law says, "I see no real safety issues with current off-street parking ideas. Our biggest concern would always be to see that there is plenty of lighting in those behind business lots. Illumination of off-street lots is key to safety related concerns."

As long as the **Fire Department has good access to and around the buildings** they can provide the same levels of service they do anywhere else in the City. With the main fire station virtually across the street, **Fire and Paramedic response times should be excellent.**

Both departments will review site and improvement plans as new construction occurs so they can provide input on issues of public safety.

12. Why haven't people been individually contacted to discuss the plan?

The City has engaged in an extensive public outreach process, which includes one-on-one meetings, focus groups, workshops, newsletters, mailings, and a website. Staff first discussed the DBC in April 2009 at the Community College, and again with the consultants in July. The draft has been available since that time. Staff mailed notices to all property owners of record on or within 300' of Mesquite and Sandhill Boulevards. They sent emails to those who had participated before, whose addresses they had, and mailed notices to the others. They put out press releases. They posted notices on the City's web-site. They gave notices to the Chamber of Commerce to give to their members. And they sent out nearly 400 invitations to property and business owners to come meet informally with staff and the consultants to come get their questions answered and discuss the Vision Plan, the Code, and their implementation.

Every notice invited property and business owners to contact staff to discuss and ask questions. Phone numbers and email addresses were provided.

This is a community-based planning process. If people choose not to participate or choose not to ask questions, it would be difficult for the City to know they needed more information. We are happy to share information about the process and the plan.

It should also be noted that this is a 'public process.' Where the matters discussed are done so openly with full disclosure, and after proper notice so that all who wish to participate may do so. The public meetings are designed to be transparent, so that what is discussed with one is heard by all.

It is not always convenient for people to attend public meetings, nor is it always comfortable to speak out in a public setting. So staff put information out in a wide variety of formats so people can access it on their own and in private, or they can call or email them to get more information.